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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285
20792	7590	06/27/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			GEDRICH, SARAH R	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

3625

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/549,370

Applicant(s)

BRADER-ARAJE ET AL.

Examiner

Sarah R. Gedrich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-53 is/are pending in the application.
- 4a) Of the above claim(s) 10-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The Examiner withdraws the previous action. Claims 1-2, 4-6, and 8-53 are currently pending in the instant application. Claims 1-9 have been elected with traverse. Claims 10-53 have been withdrawn from further consideration. Claims 3 and 7 have been cancelled. Claims 1-2, 4-6, and 8-9 are currently rejected as set forth below.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 September 2004 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freivald et al. (U.S. Patent No. 5,898,836) in view of Ng (U.S. Patent No. 6,405,175) in further view of "Redherring.com to use change detection solution" (Ref U, PTO-892, cited 06/15/2005; hereinafter referred to as "Redherring.com").**

Referring to claims 1-2, 4-6, and 8-9. Freivald et al. discloses a method of

- Updating information maintained at an intermediary web site (col. 3, line 64-col. 4, line 21).
- Obtaining data that has changed (col. 7, lines 35-39);
- Extracting keywords from the data (col. 7, lines 9-12); and
- Storing the keywords (col. 6, lines 32-46).
- Cyclic redundancy checking (CRC) as a preferred technique in periodically (col. 6, lines 51-52)
- Assessing current data resident in a remote site in comparison to previously stored data resident in an intermediary site (col. 6, lines 32-46).

Although Freivald et al. discloses that "[s]ource document 30 could be any one of millions of HTML documents on the thousands of web servers connected to the Internet" (col. 10, lines 9-11), Freivald et al. does not disclose that the data is auction item data.

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Ng, however, explicitly teaches that the Freivald et al. invention (i.e. U.S. Patent No. 5,898,836) can be used to

- Periodically and automatically search an online auction site for a particular item and price (Ng: col. 2, lines 31-36).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Freivald et al. in a method for updating and searching auction item data (as taught by Ng) because Ng explicitly establishes that such combination is desirable for this purpose and is within the level of skill in the art.

The combination of Freivald et al. and Ng does not teach a data engine at each site and an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine. However, Redherring.com suggests

- A data engine at each site (Redherring.com: paragraph 1). Redherring.com suggests “[incorporating] NetMind’s Minder for Partners technology into its Web site.”
- An intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine (Redherring.com: paragraph 2 and paragraph 5). Redherring.com suggests “a server-side solution” that allows “site administrators to receive customized reports.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald to include a data engine at each site as taught by

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Redherring.com because Redherring.com explicitly establishes that such combination is desirable for "making it easy for visitors to personalize the information they want to track on Redherring.com, then receive proactive notifications when this information changes" (Redherring.com: paragraph 1) and "help [Redherring.com] achieve our overall goal of increasing user loyalty" (Redherring.com: paragraph 3) and is within the level of skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald to include an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for communication between the intermediary website, the user, and the site administrator (Redherring.com: paragraph 5).

***Response to Arguments***

Applicant's arguments filed **12 July 2004** have been fully considered but they are not persuasive.

The Attorney amended claim 1 to recite a method of updating information maintained at an intermediary web site on a computer network about items, wherein the information is displayable to users accessing the intermediary web site via the computer network, the method comprising:

- Obtaining item data that has changed since a previous time, wherein each web site includes a data engine that is configured to obtain data about each item currently being auctioned at the respective auction site, and wherein the intermediary web site includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine, comprising:
  - Establishing a TCP/IP connection between the agent and each respective data engine; and
  - Sending an HTTP request from the agent to each respective data engine via the TCP/IP connection to obtain auction item data that had changed since a previous time;
- Extracting keywords from the obtained auction item data via the agent; and
- Storing the extracted keywords via the agent, wherein each stored keyword is associated with an item currently being auctioned at a respective one of the plurality of remotely located auction sites, and wherein the stored keywords are searchable by users accessing the intermediary web site.

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Freivald disclose a storage efficient change detection tool, which detects when changes occur to a registered document on the Internet. The change detection server 20 contains three basic components. Database 16 stores the archive of CRC's for registered web-page documents. The URL identifying the web page and the user's e-mail address are also stored with the archived CRC's. Responder 24 communicates with the user at client 14 to setup or register a web page document for change detection. Minder 22 (data engine) periodically fetches registered documents from document server 12 through Internet 10. Minder 22 (data engine) compares the archived CRC's in database 16 to new CRC's of the fetched documents to determine if a change has occurred. When a change is detected, minder 22 (data engine) sends a notice to the user at client 14 that the document has changed.

Freivald further discloses a system according to FIG. 1. FIG. 1 is a diagram of a change detection tool on a server on the Internet. The user operates client 14 from a remote site on Internet 10. The user typically is operating a browser application, such as Netscape's Navigator or Microsoft's Internet Explorer. Client 14 communicates through Internet 10 by sending and receiving TCP/IP packets to establish connections with remote servers, typically using the hypertext transfer protocol (http) of the worldwide web.

As previously noted by the Examiner, the combination of Freivald et al. and Ng does not teach a data engine at each site. However, Redherring.com suggests



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- A data engine at each site (Redherring.com: paragraph 1). Redherring.com suggests “[incorporating] NetMind’s Minder for Partners technology into its Web site.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald et al. to include a data engine at each site as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for “making it easy for visitors to personalize the information they want to track on Redherring.com, then receive proactive notifications when this information changes” (Redherring.com: paragraph 1) and “help [Redherring.com] achieve our overall goal of increasing user loyalty” (Redherring.com: paragraph 3) and is within the level of skill in the art.

***Response to Arguments (Continued)***

Applicant's arguments filed **17 March 2005** have been fully considered but they are not persuasive.

Applicant argues:

- **Freivald and Ng each fail to teach or suggest a data engine at each auction site.**

As previously noted by the Examiner, the combination of Freivald et al. and Ng does not teach a data engine at each site. However, Redherring.com suggests

- A data engine at each site (Redherring.com: paragraph 1). Redherring.com suggests “[incorporating] NetMind’s Minder for Partners technology into its Web site.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald et al. to include a data engine at each site as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for “making it easy for visitors to personalize the information they want to track on Redherring.com, then receive proactive notifications when this information changes” (Redherring.com: paragraph 1) and “help [Redherring.com] achieve our overall goal of increasing user loyalty” (Redherring.com: paragraph 3) and is within the level of skill in the art.

- **Freivald and Ng, alone or in combination, also fail to teach or suggest an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine.**

As previously noted by the Examiner, the combination of Freivald et al. and Ng does not teach an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine.

However, Redherring.com suggests

- An intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine (Redherring.com: paragraph 2 and paragraph 5). Redherring.com suggests “a server-side solution” that allows “site administrators to receive customized reports.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Freivald to include an intermediary web site that includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine as taught by Redherring.com because Redherring.com explicitly establishes that such combination is desirable for communication between the intermediary website, the user, and the site administrator (Redherring.com: paragraph 5).

Freivald further teaches a Responder 24 communicates with the user at client 14 to setup or register a web page document for change detection. It would be well within

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the level of skill in the art to include communication with the data engines of each web site as well as the client as suggested by Redherring.com in order to making it easy for visitors to personalize the information they want to track on Redherring.com, then receive proactive notifications when this information changes" (Redherring.com: paragraph 1) and "help [Redherring.com] achieve our overall goal of increasing user loyalty" (Redherring.com: paragraph 3) and allow for communication between the intermediary website, the user, and the site administrator (Redherring.com: paragraph 5).

- **Freivald and Ng fail to teach or suggest obtaining auction item data that has changed since a previous time that includes extracting keywords from the received static and dynamic information via the intermediary web site agent, and storing the extracted keywords via the intermediary web site agent.**

Freivald discloses extracting keywords from the data (col. 7, lines 9-12); and storing the keywords (col. 6, lines 32-46).

Redherring.com further suggests "users can track by keyword" (paragraph 5).

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**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- [www.netmind.com](http://www.netmind.com) (Ref V of PTO-892, cited 06/15/2005).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah R. Gedrich whose telephone number is (571) 272-8121. The examiner can normally be reached on M-F 7:30am - 5:00pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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